



SENTENCING MINUTES

DATE: July 25, 2013

CASE NUMBER: 3:13CR 00022-01

JUDGE: Payne

CT REPORTER: Dina Duffon, OCR

INTERPRETER: _____

UNITED STATES OF AMERICA

Gene Fishel, IV, Esq.
Brian Hood, AUSA

v.

COUNSEL

David Edward Sleezer

Michael HuYoung, ESQ.

SENTENCING ON COUNT(S): 2 OF the

() Criminal Information

(☒) Indictment () Superseding Ind.

PRELIMINARY MATTERS: DEFT. Addressed evidence re: DEFT is objection to PSR.

OBJECTIONS TO PSR: Objection heard; sustained.

STATEMENTS MADE BY: GOV'T (☒) DEFENSE COUNSEL (☒) DEFT (☒)

ON MOTION OF GOV'T, () INDICTMENT (☒) REMAINING CTS. DISMISSED.

DEFENDANT TO VOLUNTARILY REPORT TO DESIGNATED INSTITUTION

ON: _____ BY: _____
() IF NO DESIGNATION MADE, REPORT TO U.S. MARSHAL IN RICHMOND

DEFT ADVISED OF RIGHT OF APPEAL within 10 days of today (☒)

DEFT REMANDED TO CUSTODY (☒)

2:30p.m.
CASE SET: 10:00am · BEGAN: 2:35p.m. · ENDED: 4:50p.m. · TIME IN COURT 2hrs. 15mins.

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SENTENCE TEXT

COUNT 2 IMPRISONMENT 108 MOS. CONCURRENT () CONSECUTIVE ()

CREDIT FOR TIME SERVED ON THIS CHARGE ()

SUPERVISED RELEASE 10 YEARS

PROBATION _____ YEARS

FINE \$ 10,000.00 () Fine not imposed

SPECIAL ASSESSMENT \$ 100.00 due immediately

COUNT _____ IMPRISONMENT _____ MOS. CONCURRENT () CONSECUTIVE ()

SUPERVISED RELEASE _____ YEARS CONCURRENT ()

PROBATION _____ YEARS CONCURRENT ()

FINE \$ _____ () Fine not imposed

SPECIAL ASSESSMENT \$ _____ due immediately

COUNT _____ IMPRISONMENT _____ MOS. CONCURRENT () CONSECUTIVE ()

SUPERVISED RELEASE _____ YEARS CONCURRENT ()

PROBATION _____ YEARS CONCURRENT ()

FINE \$ _____ () Fine not imposed

SPECIAL ASSESSMENT \$ _____ due immediately

CONSENT ORDER OF FORFEITURE MADE A PART OF JUDGMENT IN CASE (✓)

RESTITUTION ORDERED: _____

RECOMMENDATION(S) TO BOP:

- () Designate dft. to a facility near family () Designate dft. to _____ FCI
() SHOCK Incarceration Program () BRAVE Program
() Educational / Vocational training () BOP 500-hr intensive drug treatment program
() UNICOR program () with _____ portion of earnings directed to child support

(✓) OTHER: that the DEFT. participate in the Federal Medical Sex Offender Program if eligible and if he volunteers to participate in the program. DEFT. be incarcerated in ~~Prison~~ at Butner, NC.

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SPECIAL CONDITIONS of Probation / Supervised Release:

- ☐ (1) Incur no new credit without approval of probation officer
- ☒ (2) Provide probation officer with access to financial information
- ☐ (3) Perform community service _____ HOURS during period of supervision
- ☐ (4) Participate in drug/alcohol treatment; _____ Pay cost of treatment
- ☐ (5) Participate in mental health treatment; _____ Pay cost of treatment
- ☐ _____ Participate in anger management
- ☐ (6) Participate in home confinement program for _____ with monitoring
- ☐ _____ Permitted to work, attend church, or other approved activities
- ☐ _____ Maintain telephone without special features; no cordless phone
- ☐ _____ Pay costs of electronic monitoring
- ☐ (7) Placement in a Community Confinement Center for _____ (term)
- ☐ (8) Defendant to be surrendered to BICE for deportation proceedings
- ☐ _____ If deported, defendant to remain outside the United States
- ☒ (10) Mandatory drug testing waived
- ☐ _____ Probation officer may still administer drug test if deemed appropriate
- ☐ (11) Defendant to pay child support in amount ordered by social services or Court
- ☐ (13) Serve intermittent confinement on weekends for a period of _____ DAYS
- ☐ (14) No possession of pager, cellular telephone, or other handheld communication device
- ☒ (15) Defendant shall pay any balance owed on the S/A imposed by the Court
- ☐ _____ Pay in installments of not less than \$ 100.00 per month,
to begin 30/60 days after start of supervision until paid in full
- ☐ (16) Waive all rights of confidentiality regarding mental health treatment over 25% of his
(or other treatment) to allow release of information to Probation, etc. gross income which is greater.
- ☐ (17) Commencing _____, and continuing for _____, defendant may
operate a motor vehicle only for purposes of work and court, including travel to
the Probation Office and alcohol treatment program
- ☐ (18) Defendant to apply monies received from tax refunds, lottery winnings, and any
anticipated or unexpected financial gains to the Court-ordered financial obligation
- ☐ (25) Register with state sex offender registration agency in any state where defendant
lives, works, is a student, or vacations
- ☒ (26) Submit to polygraph testing as part of treatment; ☒ Pay cost of testing
- ☐ (27) Do not have/use computer to access online services at any location w/o PO approval
- ☒ (28) Do not have access to or possess any pornographic material, nude pictures, or
magazines using juvenile models or pictures of juveniles
- ☐ (29) Refrain from being in presence of children under age of 18 w/o another adult present
- ☒ (30) Do not accept paid or volunteer positions involving children
- ☐ (31) Do not own or have a computer in residence or place of employment
- ☒ (---) OTHER SPECIAL CONDITIONS:

See page 4 attached for additional Special Conditions of Supervised Release.

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OTHER SPECIAL CONDITIONS OF SUPERVISED RELEASE:

✓
— **THE DEFENDANT SHALL PARTICIPATE IN A PROGRAM APPROVED BY THE UNITED STATES PROBATION OFFICE FOR MENTAL HEALTH TREATMENT , TO INCLUDE A PSYCHOSEXUAL EVALUATION AND SEX OFFENDER TREATMENT. THE COSTS OF THESE PROGRAMS ARE TO BE PAID BY THE DEFENDANT AS DIRECTED BY THE PROBATION OFFICER. THE DEFENDANT SHALL WAIVE ALL RIGHTS OF CONFIDENTIALITY REGARDING SEX OFFENDER/MENTAL HEALTH TREATMENT TO ALLOW THE RELEASE OF INFORMATION TO THE UNITED STATES PROBATION OFFICE AND AUTHORIZE COMMUNICATION BETWEEN THE PROBATION OFFICER AND THE TREATMENT PROVIDER.**

✓
— **THE DEFENDANT SHALL SUBMIT TO POLYGRAPH TESTING AS DIRECTED BY THE UNITED STATES PROBATION OFFICER AS PART OF THE DEFENDANT'S SEX OFFENDER THERAPEUTIC PROGRAM, COSTS TO BE PAID BY THE DEFENDANT AS DIRECTED BY THE PROBATION OFFICER.**

✓
— **THE DEFENDANT SHALL WAIVE ALL RIGHTS OF CONFIDENTIALITY REGARDING SEX REGARDING SEX OFFENDER/MENTAL HEALTH TREATMENT IN ORDER TO ALLOW THE RELEASE OF INFORMATION TO THE UNITED STATES PROBATION OFFICE AND AUTHORIZE COMMUNICATION BETWEEN THE PROBATION OFFICER AND THE TREATMENT PROVIDER**

✓
— **THE DEFENDANT SHALL HAVE NO CONTACT WITH MINORS, UNLESS SUPERVISED BY A COMPETENT, INFORMED ADULT, APPROVED IN ADVANCE BY THE PROBATION OFFICER.**

✓
— **THE DEFENDANT SHALL NOT UTILIZE ANY SEX-RELATED ADULT TELEPHONE SERVICES, WEBSITES, OR ELECTRONIC BULLETIN BOARDS. THE DEFENDANT SHALL SUBMIT ANY RECORDS REQUESTED BY THE PROBATION OFFICER TO VERIFY COMPLIANCE WITH THIS CONDITION INCLUDING, BUT NOT LIMITED TO CREDIT CARD BILLS, TELEPHONE BILLS, TELEPHONE BILLS, AND CABLE/SATELLITE TELEVISION BILLS.**

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OTHER SPECIAL CONDITIONS OF SUPERVISED RELEASE :

✓
— **THE DEFENDANT SHALL NOT POSSESS OR USE A COMPUTER TO ACCESS ANY ONLINE COMPUTER SERVICES AT ANY LOCATION, INCLUDING EMPLOYMENT, WITHOUT THE PRIOR APPROVAL OF THE PROBATION OFFICER. THIS INCLUDES ANY INTERNET SERVICE PROVIDERS, BULLETIN BOARD SYSTEMS, OR ANY OTHER PUBLIC OR PRIVATE COMPUTER NETWORK.**

✓
— **PURSUANT TO THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006, THE DEFENDANT SHALL REGISTER WITH THE STATE SEX OFFENDER REGISTRATION AGENCY IN ANY STATE WHERE THE DEFENDANT RESIDES, WORKS, OR ATTENDS SCHOOL, ACCORDING TO FEDERAL AND STATE LAW AND AS DIRECTED BY THE PROBATION OFFICER.**

✓
— **PURSUANT TO THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006, THE DEFENDANT SHALL SUBMIT TO A SEARCH OF HIS PERSON, PROPERTY, HOUSE, RESIDENCE, VEHICLE, PAPERS, COMPUTER, OTHER ELECTRONIC COMMUNICATION OR DATA STORAGE DEVICES OR MEDIA, AND EFFECTS AT ANY TIME, WITH OR WITHOUT A WARRANT, BY ANY LAW ENFORCEMENT OR PROBATION OFFICER WITH REASONABLE SUSPICION CONCERNING UNLAWFUL CONDUCT OR A VIOLATION OF A CONDITION OF SUPERVISION.**

✓
— **THE DEFENDANT SHALL SUBMIT TO PENILE PLETHSMOGRAPH OR ABLE ASSESSMENT FOR SEXUAL INTEREST (ASSI) AS DIRECTED BY THE UNITED STATES PROBATION OFFICE AS PART OF HIS SEXUAL OFFENDER THERAPEUTIC TREATMENT. THE COSTS OF THE TESTING ARE TO BE PAID BY THE DEFENDANT, AS DIRECTED BY THE PROBATION OFFICER.**

EASTERN

Virginia - Richmond Division

EXHIBIT AND WITNESS LIST

David Edward Sleezer

Case Number: 3:13cd

* Include a notation as to the location of any exhibit not held with the case file or not available because of size